

**BOARD OF REAL ESTATE APPRAISERS  
BOARD MEETING MINUTES – December 2, 2003**

**MEMBERS PRESENT**

James Murphy  
Bruce Bell  
Walter Bowditch  
Joseph Herlihy  
Theodore Webersinn  
David Adams

**MEMBERS ABSENT**

Kenneth Charest

**OTHERS PRESENT**

Carol Leighton, Administrator  
Dennis Smith, A.A.G.  
Susan Greenlaw, Board Clerk  
Kim Baker-Stetson, Licensing Clerk

**Location:** Central Conference Room

**Start:** 9:13 a.m.

**Adjourn:** 1:00 p.m.

**CALL TO ORDER**

The meeting was called to order at 9:13 a.m.

**AGENDA MODIFICATIONS**

Board members agreed to add the following to the agenda:

- Review/Adoption of Proposed Rules – Chapter 240 Standards of Professional Practice

**OLD BUSINESS**

Action on Minutes of November 4, 2003 Meeting

Amend the minutes to reflect that David Adams abstained from voting on the October 7, 2003 minutes. A motion was made by Walter Bowditch and seconded by Theodore Webersinn to approve the minutes of the November 4, 2003 meeting as amended. Unanimous.

Action on Tabled Applications/Items

Continuing Education – Percentage of Licensees to be Audited: A motion was made by Joseph Herlihy and seconded by Bruce Bell to audit 20% of all licensees submitting renewal applications on or before the expiration date and 100% of all licensees submitting renewal applications after the expiration date. Unanimous.

**NEW BUSINESS**

Administrator's Report

The Board's Investigator, Mark Plourde, submitted a letter indicating that he will not be seeking renewal of his contract for investigation services.

The Board was presented with an application for a Certified Residential license in which the applicant provided a positive response to the criminal conviction question. A motion was made by Bruce Bell and seconded by David Adams to approve the application for Certified Residential licensure pending review of qualifications. Unanimous.

The Board was presented with an application for a Trainee license in which the applicant provided a positive response to the criminal conviction question. A motion was made by Theodore Webersinn and seconded by David Adams to preliminarily deny the application based on criminal conviction history, specifically, the applicant has not provided evidence of sufficient rehabilitation to warrant the public trust. Adams, Bowditch, Murphy, and Webersinn voted in the affirmative; Bell and Herlihy voted in opposition. Motion carried.

#### Review/Adoption of Proposed Rules – Chapter 240 Standards of Professional Practice

No public hearing was held – 30 day comment period ended November 28, 2003 with no comments received. A motion was made by Bruce Bell and seconded by Walter Bowditch to adopt the rules as proposed. Unanimous.

#### Complaint Officer's Report

**#REA-126:** Licensee completed a 30 hour course instead of a 40 hour course as required by the Decision & Order and submitted a request for the Board's approval. A motion was made by Walter Bowditch and seconded by David Adams to deny the licensee's request. Adams, Bowditch, Murphy, and Webersinn voted in the affirmative; Bell voted in opposition; Herlihy abstained. Motion carried.

**#REA-172:** A motion was made by Bruce Bell and seconded by Theodore Webersinn to find the licensee in violation of 32 M.R.S.A. § 14014(1)(G), 14014(1)(I), and 14014(1)(J) and to offer a Consent Agreement to include the following: (1) Admission to stated violations; (2) \$1,200 fine; (3) completion, within six months, of basic 40-hour appraisal course with satisfactory completion of exam, such course shall not be credited toward renewal requirement; and (4) costs associated with the investigation. Bell, Bowditch, Murphy, and Webersinn voted in the affirmative; Adams voted in opposition; Herlihy abstained. Motion carried.

#### Review and Action on Applications and Education

NAME	APPLYING TO:	RECOMMENDATION/ACTION
AMANDA PROUTY CARUSOE	TRAINEE – RECIPROCITY FROM RHODE ISLAND NEW SUPERVISOR = SCOTT FOOTMAN ALSO REQUESTING APPROVAL OF FIRST 50 ACCOMPANIED APPRAISALS AND ACCEPTANCE OF 2000 EXPERIENCE HOURS FROM RHODE ISLAND	APPROVED. MOTION BY BOWDITCH; SECOND BY ADAMS. UNANIMOUS.
RON PAYEUR	TRAINEE UPGRADE TO SIT FOR CERTIFIED RESIDENTIAL EXAM	TABLED – REQUESTED APPRAISALS FOR REVIEW. MOTION BY BOWDITCH; SECOND BY BELL. UNANIMOUS.
PATTY LUCAS	UPGRADE FROM LICENSED APPRAISER TO SIT FOR CERTIFIED RESIDENTIAL EXAM	TABLED 11/4/2003 – PENDING REVIEW OF APPRAISALS.

WHITMORE BREWSTER	CERTIFIED RESIDENTIAL - RECIPROCITY FROM CALIFORNIA	APPROVED PENDING RECEIPT OF CURRENT CERTIFICATE OF GOOD STANDING FROM CALIFORNIA . MOTION BY BOWDITCH; SECOND BY ADAMS. UNANIMOUS.
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A request was received from Linda Kay Brown regarding Joel Plourde to earn experience credits towards trainee license prior to obtaining trainee license. A motion was made by Walter Bowditch and seconded by David Adams to deny request for work experience prior to obtaining trainee license. Adams, Bell, Bowditch, Murphy, and Webersinn voted in the affirmative; Herlihy voted in opposition. Motion carried.

### Correspondence

Letter from Albert J. Childs: The Board received a letter from Albert J. Childs requesting review and clarification of the statute regarding a Maine Residential Appraiser conducting an appraisal of a complicated industrial parcel of land and which appraisal report and certification was cosigned by an individual holding a Maine Certified General Appraiser license. A motion was made by David Adams and seconded by Joseph Herlihy to acknowledge the letter and retain it in the Board's files.

Requests for Approval of Distance Learning in Maine: The Board received two letters requesting approval of distance learning as qualifying education for real estate appraisal licensing. A motion was made by Walter Bowditch and seconded by Theodore Webersinn to deny the requests and notify the individuals that the Board's statute and rules do not permit distance learning at this time but will continue to be reviewed for possible future implementation. Unanimous.

### Report on the AARO Conference, October 25-28, 2003, Washington DC

Theodore Webersinn attended this conference and provided an oral as well as a written report to the Board.

### Next Meeting Scheduled for January 6, 2004

## **OTHER BUSINESS**

## **ADJOURN**

Being no further board business the meeting was adjourned at 1:00 p.m.

Respectfully submitted,

Susan Greenlaw  
Board Clerk